

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER WIRTSHAFTER, BENJAMIN ROBINSON,
MADELEINE MELDRUM, HEATHER AKOU, ANJALI
BISWAS, BRYCE GREENE,
DAVID McDONALD, MAUREEN MURPHY, SARAH
PHILLIPS, AND JESS TANG,

Plaintiffs,

v.

PAMELA WHITTEN, *in her individual and official capacity as
President of Indiana University*; BENJAMIN HUNTER, *in his
individual capacity as Associate Vice President and
Superintendent for Public Safety of Indiana University*; and
THE TRUSTEES OF INDIANA UNIVERSITY, *in their official
capacities,*

Defendants.

Case No. 1:24-cv-754-RLY-MJD

DECLARATION OF BENJAMIN D. HUNTER

I, Benjamin D. Hunter, being a competent adult, affirm under penalties of perjury to the following facts of which I have personal knowledge.

1. My name is Benjamin D. Hunter. I serve as Associate Vice President and Superintendent for Public Safety at Indiana University.
2. As a member of the senior staff of IU's Chief Operating Officer, I oversee and advise university leadership on strategy, policy, and execution for a variety of areas designed to maintain an appropriate level of assurance in university operations and activities: emergency preparedness and response, administrative and academic continuity, policing and community safety, homeland security, emergency communications, university event management, and environmental health and safety.
3. As superintendent, I am responsible for comprehensive strategy, policy and practices for public safety across IU, including the IU Police Department (IUPD), which has more than 200 sworn officers across all IU campuses. I am also responsible for the IU Police Academy.

4. Before returning to IU in 2017, I was executive director of public safety, community relations, and government affairs at Butler University, where I also served for a period as chief of staff to Butler University President James M. Danko. My law enforcement career started with the IU Police Department; I then spent 10 years with the Indianapolis Police Department before my transition to higher education law enforcement at Butler. While at IPD I served as the community relations liaison for four years, representing the deputy chief of IPD North District, and primarily dealt with neighborhood association leaders to address quality of life issues.
5. I received my Bachelor of Arts from Indiana University Purdue University – Indianapolis, and my Master of Science in Criminal Justice and Public Safety from Indiana University – Bloomington. I was awarded a certificate of completion for the Senior Executives in State and Local Government Program, July/2023, John F. Kennedy School of Government at Harvard University, Executive Education; the Senior Management Institute for Police Certificate (SMIP) 84th Session, Police Executive Research Forum, Boston, Massachusetts; and Law Enforcement Certification, Indiana Law Enforcement Training Board (IU Program), Plainfield, Indiana.
6. In my career spanning more than 30 years, I have gained expertise in law enforcement, public safety, event management, and higher education in multiple service and leadership roles. I have written and spoken on law enforcement and public safety in higher education.
7. I have been involved with and am familiar with Indiana University policies on Expressive Activity.
8. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on university campuses.
9. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on open university campuses such as the multiple campuses within the Indiana University system across the State of Indiana.
10. Indiana University campuses, in particular the Bloomington campus, are very large and porous in terms of ability of persons to enter on to campus. Other Indiana University campuses, although not as geographically large as in Bloomington, are likewise porous in terms of ability of persons

to enter on to campus. All campuses within Indiana University have streets that are open to the public, and are not fenced or closed off from pedestrians.

11. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on Indiana University campuses among a population that includes thousands of students, including tens of thousands of young adults and many minors. At the Bloomington campus, for instance, there are almost 50,000 enrolled students, with approximately one-third of those students residing on campus.
12. Reduced activities during overnight hours on Indiana University campuses allows for staff, including law enforcement and event personnel, to be prepared for the next full day of activity, policing, and promotion of public health, safety, and welfare. Overnight policing activities on a residential college campus can entail law enforcement personnel responding to parties in residential facilities, taxing our public safety resources in addressing underage alcohol consumption, and/or additional health concerns associated with social events.
13. There are significant challenges in recruiting, retaining, and deploying qualified and experienced personnel for service during overnight hours on Indiana University campuses to promote and ensure public health, safety, and welfare.
14. There is significant turnover locally and nationally in law enforcement personnel. Law enforcement agencies in higher education, including IUPD, face these challenges as well.
15. Most law enforcement and event personnel, including within IUPD, prefer to work day or evening shifts rather than overnight shifts.
16. Overnight law enforcement duties are often predominated by less tenured personnel with less training and experience. This is common in higher education law enforcement, including within IUPD.
17. There is a local and national shortage of qualified, trained, and experienced law enforcement personnel, with employers competing for a limited pool of candidates.

18. There are public safety, health, and welfare benefits of an overnight restriction on Indiana University campuses, including for instance allowing time for personnel to re-set and plan for the next day, and reducing the risk of individuals seeking to habitate on the campus.
19. It is more challenging to promote and ensure public health, safety, and welfare on campuses during overnight hours because of a multitude of factors, including darkness, closed facilities, and increased alcohol and substance abuse.
20. There is also the additional challenge of noise, as most of the cities' IU campuses are located in have local ordinances on noise that restrict it after a certain hour. Example: <https://bloomington.in.gov/police/noise> Although this ordinance does not apply to our property as a state institution, we must ensure a great relationship with our city partners (Town and Gown). Most of the common protest activities we see are near adjacent public right of ways owned by cities. Amplified sound, especially at night, where there is less activity overall, can travel and disrupt neighborhoods.
21. An overnight restriction on activities with preapproval standards enhances the promotion of public health, safety, and welfare by allowing law enforcement and event personnel time to plan for events with adequate staffing and resources.
22. Protests on an open residential university campus, particularly during overnight hours, present unique public health, safety, and welfare concerns, such as unpredictable crowd sizes, including of persons with no affiliation with the university, and significant potential for conflict and violence among and between persons with differing views.

Dated: February 27, 2025

Signed: /s/ Benjamin D. Hunter
Benjamin D. Hunter